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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOANNA L. PFEISTER and THE O'CONNOR)
IRREVOCABLE TRUST,)

Plaintiffs,)

vs.)

WILLIAM SAUNDERS, and DOES 1 through)
10, Inclusive,)

Defendants.)

Case No.: 2:11-cv-00707-RLH-GWF

ORDER

(Motion to Dismiss—#6)

Before the Court is Defendants James William Saunders, Jr.¹ **Motion to Dismiss** (#6, filed May 10, 2011) for a lack of subject matter jurisdiction. Plaintiffs Joanna L. Pfeister and The O'Connor Irrevocable Trust did not respond.

If one party files a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), the party against whom that motion is filed must file points and authorities in opposition to that motion within fourteen (14) days after the service of the motion. Local Rule 7-2(b). The

¹ Since the filing of this motion, the Court ordered the United States be substituted for Saunders as the defendant in this action. (Dkt. #9.) This substitution does not practically affect this motion or order.

1 failure of a party to file points and authorities in opposition to any motion constitutes a consent to
2 the Court's grant of the motion. Local Rule 7-2(d).

3 Rule 7-2(d) of the Local Rules of Practice provides that failure to file points and
4 authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v.*
5 *United Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). It has been said these local
6 rules have the force of law no less than the federal rules or acts of Congress. *United States v.*
7 *Hvass*, 355 U.S. 570, 574–75 (1958); *se also Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v.*
8 *Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself has upheld the
9 dismissal of a matter for failure to respond under the local court rules. *Black Unity League of Ky.*
10 *v. Miller*, 394 U.S. 100 (1969).

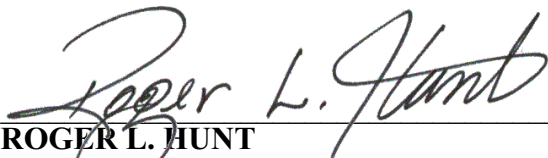
11 Pursuant to the Local Rules of this Court, any response to Defendant's Motion was
12 to be filed and served within 14 days, or by May 27, 2011. Because no response or opposition to
13 the Motion was filed pursuant to the Local Rules, the Court grants Defendant's Motion to Dismiss.
14 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (failure to follow the district court's local rules is
15 a proper ground for dismissal).

16 CONCLUSION

17 Accordingly, and for good cause appearing,

18 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#6) is
19 GRANTED. The Clerk of the Court is directed to close this case.

20 Dated: June 23, 2011.

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23 **ROGER L. HUNT**
24 **United States District Judge**
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